IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.1863 of 2007

Mrs.Uma Chitale Petitioner
Vs.
State of Maharashtra & ors. Respondents

Mr.A.D.Sarwate with Ms.Kokila Kalra for petitioner.
Mr.D.P.Adsule, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 2, 2007.

P.C.

. Heard Mr.Sarwate, the learned counsel for the petitioner. This is an application filed under Section 407 of Cr.P.C. for transfer of RCC No.210 of 2006 presently pending before the learned Judicial Magistrate, First Class at Thane to any other Court of the same rank at Ahmednagar. There is no dispute that the said case has been filed by the present petitioner and the cause of action in the said complaint has entirely arisen at her matrimonial home within the jurisdiction of the learned Judicial Magistrate, First Class at Thane.

. The respondent no.2 has filed affidavit and opposed the application. The reason for transfer as stated in this application is of alleged unfair treatment given to her before the Court at Thane. In

addition, the petitioner states that her brother and sister as well as parents are staying at Ahmednagar and it would be more convenient for her to deal with the case at Ahmednagar itself.

. I am not impressed with the reasons set out in support of this transfer application and if the complaint arises from the instances which have taken place in the matrimonial home, certainly it would be the Court at Thane which will have the jurisdiction to try the complaint. The complainant's convenience alone cannot be a reason to allow such a transfer application.

. Hence the application is rejected summarily. However, in case the petitioner prefers to make a similar application before the learned Principal District and Sessions Judge at Thane for assigning the case to any other Judicial Magistrate, First Class at Thane, the same may be considered on its own merits.

(B.H.MARL